

**ZB# 07-28**

**Michael Lucas**

**16-2-9**

07-28 Michael Lucas (AREA)  
146 Quassaick Ave (16-2-9)

07-28

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

Granted 7/9/07









**NEW WINDSOR ZONING BOARD OF APPEALS**  
-----X

SBL: 16-2-9

In the Matter of the Application of  
**MICHAEL LUCAS**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

**CASE #07-28**  
-----X

**WHEREAS, MICHAEL LUCAS**, owner(s) of Route 94 & Lucas Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a request for 13,012 square feet for lot @1 and 13,012 square feet for lot #2 for minimum lot area for proposed subdivision.

**WHEREAS**, a public hearing was held on July 9, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there was one member of the public present; and

**WHEREAS**, no one person spoke in favor of the Application and no one was opposed to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) The applicant seeks to subdivide the present property with the remaining or larger lot containing an existing one family structure with a new one family structure to be built on the newer, smaller lot.

- (c) Each lot in the subdivision, if the subdivision is approved by the Planning Board, will be larger than any existing lot in the neighborhood.
- (d) In constructing the new home the applicant will not be removing any trees or substantial vegetation.
- (e) The new home will not be on top of nor will it interfere with any easement including, but not limited to water, sewer or electrical easements.
- (f) The application was supported by a close neighbor.
- (g) Applicant acknowledges that before construction of the new home, if this application is granted, that the applicant will have to obtain the permission of the New Windsor Planning Board.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).




**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for 13,012 square feet for lot @1 and 13,012 square feet for lot #2 for minimum lot area for proposed subdivision as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: July 9, 2007

A handwritten signature in black ink, appearing to read "Michael J. Kemp", is written over a horizontal line.

Chairman

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: JACK FINNEGAN, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: NOVEMBER 8, 2007**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 162.69 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #07-28**

**NAME & ADDRESS:**

**Michael Lucas  
146 Quassaick Avenue  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**J.F.11/08/07**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #07-28      TYPE: AREA      TELEPHONE: 561-0489

**APPLICANT:**

Michael Lucas  
146 Quassaick Avenue  
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>1865</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 1866



<u>DISBURSEMENTS:</u>		MINUTES \$7.00 / PAGE	ATTORNEY FEE
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PRELIMINARY:	<u>4</u>	PAGES	\$ <u>28.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 06-29-07      \$ 18.61

TOTAL:	\$ <u>67.31</u>	\$ <u>70.00</u>
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ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 137.31

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 162.69

Cc:

J.F. 11/08/07



# THE SENTINEL

P.O. BOX 406  
VAILS GATE, NY 12584

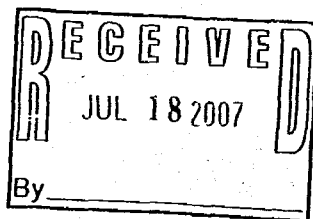
## Invoice

Date	Invoice #
7/9/2007	613

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

P.O. No.	Terms	Project

Issue Date	Description	Rate	Amount
6/29/2007	LEGAL ADS: APPEAL NO. 07-28 LUCAS	14.61	14.61
	1 AFFIDAVIT	4.00	4.00
		<b>Total</b>	<b>\$18.61</b>



**PUBLIC HEARING  
NOTICE  
ZONING BOARD OF  
APPEALS  
TOWN OF NEW  
WINDSOR**

**PLEASE TAKE NOTICE**  
that the Zoning Board of  
Appeals of the TOWN OF  
NEW WINDSOR, New York,  
will hold a Public Hearing on  
the following Proposition:

Appeal No. (07-28)

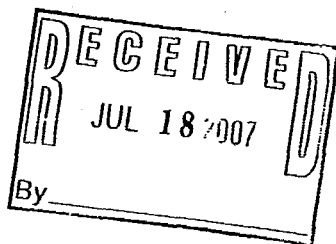
Request of MICHAEL  
LUCAS

for a **VARIANCE** of the  
Zoning Local Law to Permit:

Request for 13,012 sq. ft. for  
Lot #1 and 13,012 sq. ft. for  
Lot #2 for Minimum Lot Area  
for proposed subdivision at Rt.  
94 & Lucas Drive in an R-4  
Zone (16-2-9)

**PUBLIC HEARING** will  
take place on **JULY 9, 2007**  
at the New Windsor Town Hall,  
555 Union Avenue, New  
Windsor, New York  
beginning at 7:30 P.M.

Michael Kane, Chairman



State of New York

County of Orange, ss:

Kathleen O'Brien being duly sworn  
disposes and says that she is  
the Supervisor of Legal Dept. of the  
E.W. Smith Publishing Company; Inc.,  
Publisher of The Sentinel, a weekly  
newspaper published and of  
general circulation in the Town of New  
Windsor, Town of Newburgh and City  
of Newburgh and that the notice of which  
the annexed is a true copy was published  
in said newspaper, 1 time (s)  
commencing on  
the 29th day of June A.D., 2007  
and ending on the 29th day of  
June A.D. 2007.

*Kathleen O'Brien*

Subscribed and shown to before me  
this 18<sup>th</sup> day of July, 2007.

*Deborah Green*

Notary Public of the State of New York

County of Orange,

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065

Commission Expires July 15, 2011

My commission expires \_\_\_\_\_.

June 11, 2007

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MICHAEL\_LUCAS\_(07-23)

MR. KANE: Request for 13,012 square foot for lot #1 and 13,012 square foot for lot #2 for minimum lot area for proposed subdivision at Route 94 & Lucas Drive.

Mr. Michael Lucas appeared before the board for this proposal.

MR. LUCAS: Evening everyone. Michael Lucas, 146 Quassaick Avenue, New Windsor, New York. Okay, my wife and I would like to take our property which is at one time a 2 lot property and house we built on it for reasons of which I stated in the application we would like to build another house, subdivide the property, build a house above where we are and the reason more than anything else is that we have lived in the town our whole lives, I've been involved, I've been a fireman my whole life here in New Windsor. I've been on the planning board and I love my town and I want to stay here, seems like lot of people just getting ready to pack up and leave, I'd like to stay here doing this project for us allows us to stay in the town and also gets us down a little bit smaller house, easier to take care of and a lot of my friends are telling me the reason I'm doing it is because it's on Lucas Drive so that's what we're doing.

MR. KANE: So the required lot area we're looking at is 43,560 square feet is the requirement you're looking at having two lots at 30,548 square foot?

MR. LUCAS: Correct.

MR. KANE: So you know the 13,000 sounds like it's a lot we're talking maybe about 25 percent.

MR. LUCAS: Right but the lot that I'm creating compared to all the other lots three times larger, even the lots I'm creating lots on Lucas Drive most of the

June 11, 2007

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lots on Lucas Drive if you look at them some of them are less than a third of an acre, some of them are 10 foot off the road, so the lot that I'm creating is larger than any lot on the entire Lucas Drive as you go up.

MR. KANE: So in your opinion that's splitting the lots making them in this size you're actually improving the neighborhood, we're not taking away?

MR. LUCAS: I believe it would make it more conforming because if you come down that road where I live and behind it that property I want to subdivide and there are two houses across the street and then Walt Koury there's like three or four houses all like quarter acre, third acre lots, I think it will look good on the property, it will have a larger yard than the other ones and it will conform, it will look good in that neighborhood.

MR. KANE: Cutting down any trees, substantial vegetation?

MR. LUCAS: No because if you look at the pictures that I brought here there was a lot of trees yeah but there's an area up there that's been cleared, I think at one time he may have had a garden up there or whatever and we've always kept it and that's exactly where the house is so there's really and there's some beautiful trees, I have some western white pines about 150 years old, I've got black walnuts, I've got quite a variety of trees because that piece of property at one time was the entrance to the estate that's above there and I've developed, I haven't cut any trees down unless they fall down, one of the spruces died.

MR. KANE: Creating any water hazards or runoffs?

MR. LUCAS: Actually I'm going to increase the property as far as the runoff is concerned because the Highway

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Department came this year and I worked with them because the vehicles as they go up the hill Lucas Drive is slanted and they've lost a couple of trucks off the road sliding into my property so we got together this year, we took the trees that were hanging over so it didn't damage the trees so I'm going to create an area so that there will be a boundary there so that they won't lose the truck next time.

MR. KANE: Any further questions from the board?

MR. LUNDSTROM: Your existing house has a garage, detached garage with it, do you have any plans on building a garage in your proposed house?

MR. LUCAS: No, I think what we're talking about doing if you look at the entrance it's going to come off Lucas cause I wanted to so it comes off Lucas and then the garage will be underneath the house so it will be a lot smaller, most of the houses did have garages but this one will have it underneath. I went over with Mark Edsall there's sewer and water there, it does drop off kind of critically in some areas but that won't affect where the house goes and I think it will be an asset to the road and also help my wife and I stay in this area that we love so much.

MR. KANE: Any further questions, Eric?

MR. LUNDSTROM: None here, Mr. Chairman.

MR. TORPEY: No.

MR. KANE: I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Michael Lucas in his request for 13,012 square foot for lot number 1 and 13,012 square foot for lot number 2 for minimum lot area for proposed subdivision at Route 94 and Lucas



June 11, 2007

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Drive in an R-4 zone.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

July 9, 2007

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MICHAEL\_LUCAS\_(07-28)

MR. KANE: Request for 13,012 square feet for lot @1 and 13,012 square feet for lot #2 for minimum lot area for proposed subdivision at Route 94 & Lucas Drive.

Mr. Michael Lucas appeared before the board for this proposal.

MR. LUCAS: Evening everyone.

MR. KANE: Evening, Mr. Lucas, same thing, same as the preliminary, state your name and address.

MR. LUCAS: Mike Lucas, I own property at 146 Quassaick Avenue, I'm here for a subdivision, 2 lot subdivision, one with my existing house on and the northwest lot try to create a lot to build our house on, a smaller house for us for our future.

MR. KANE: Going to be cutting down substantial vegetation?

MR. LUCAS: No, in fact, I think I mentioned the last time that whole area up there where the house is going it's on that map is all clear that had been cleared once before, this was a two lot before then it was combined when the house was built but it was the lots were created and originally from the Quassaick Avenue side west and east, and there were two lots both the lots that I'm creating are larger even after I create the two lots they're larger than any other lot within its vicinity on Lucas especially and my neighbor's lot in front, both, I still maintain a large, the lot that I'm creating especially on Lucas is at least two times large than the other lots on Lucas Drive. I've worked with the town in the last year because I've already gone to preliminary planning but I've also worked with the Highway Department recently because we had some trees up there, they asked me, so we worked together,

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we took some of the trees out, we're working on the road drainage cause it has been neglected a little bit and they had some work and I gave them, basically, we're working together and that but basically the whole thing is pretty cut and dry. It's a 2 lot subdivision.

MR. KANE: Any easements running through it?

MR. LUCAS: No.

MR. KANE: Okay, at this point, I'll open it up to the public, ask if anybody in the audience is here for this particular hearing. I'll need you to state your name and address.

MR. JACKSON: My name is Rick Jackson, I live at 14 Lucas Drive across the street from Mike and it's, there's more than enough room to build another house and still have privacy and I think that would add actually some more security to the area because the wooded lots on both my property and his right now are dead space and I know that on more than one occasion the town has been around because of some break-ins and whatnot.

MR. LUCAS: We both have had break-ins, I came home one time there was somebody in the house and that back borders the, gives them a dead area in there that they hit it.

MR. JACKSON: So I'm all in favor of that.

MR. KANE: Thank you very much.

MR. TORPEY: You want to wake up every day and see Mike?

MR. LUCAS: He does now.

MR. KANE: We get kind of informal here once in a

July 9, 2007

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while, especially me. Anybody else for this particular hearing? Seeing as there's not, we'll close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On June 26, I mailed out 52 addressed envelopes and had no response.

MR. KANE: All right, one question I forgot in my usual spiel, not creating any water hazards or runoffs?

MR. LUCAS: No.

MR. KANE: Any further questions from the board?

MS. LOCEY: Accept a motion?

MR. KANE: I will.

MS. LOCEY: I'll offer a motion to grant the requested variances on the application of Michael Lucas for one lot that would be 13,012 square foot and the second lot at 13,012 square foot for a minimum lot area for a proposed subdivision at Route 94 and Lucas Drive in an R-4 zone.

MR. TORPEY: Second that motion.

#### ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF:

July 9, 2007

PROJECT: Michael Lucas

ZBA # 07-28

P.B.# \_\_\_\_\_

USE VARIANCE:

NEED: EAF \_\_\_\_\_

PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES ✓

VARIANCE APPROVED:

M) Lo S) 1 VOTE: A 5 N 0.

GANN A  
LUNDSTROM A  
LOCEY A  
TORPEY A  
KANE A

CARRIED: Y ✓ N \_\_\_\_\_

Rick Jackson - 14 Lucas Dr - In favor of

**OFFICE OF THE PLANNING BOARD  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY**

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION**

PLANNING BOARD FILE NUMBER: 07-11

DATE: 4-27-07

APPLICANT:

**Michael & Arlene Lucas  
146 Quassaick Avenue  
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 3-12-07

FOR: SUBDIVISION

LOCATED AT: Route 94 and Lucas Drive

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SEC: 16 BLOCK: 2 LOT: 9

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

**Lot Area Variance Required for both lots**

TOWN OF NEW WINDSOR CODE: **Bulk Tables – Section 300-8**

*Mark J. Edsall, P.E., P.P.*  
**Mark J. Edsall, P.E., P.P.**  
**Engineer for the Planning Board**

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued**

**REQUIREMENTS**

P.B. # **07-11**

ZONE: **R-4**

USE: **SFR**

	REQUIRED	PROPOSED (Lot 1 / 2)	VARIANCE REQUESTED (Lot 1 / 2)
MIN. LOT AREA (Gross)	43,560 s.f.	30548 / 30548	13012 / 13012
MIN. LOT AREA (Net)	26,136 s.f.	30548 / 30548	---
MIN. LOT WIDTH	125 ft.	178 / 254	---
REQUIRED FRONT YARD	45 ft.	56.1&96.6 / 46.1	---
REQUIRED SIDE YARD	20 ft.	27 / 36.9	---
REQUIRED TOTAL SIDE YARD	40 ft.	n/a	---
REQUIRED REAR YARD	50 ft.	62.4 / 107.6	---
REQUIRED FRONTAGE	70 ft.	292+ / 432+	---
MAX. BLDG. HT.	35 ft.	<35 both	---
FLOOR AREA RATIO	n/a	---	---
MIN. LIVABLE AREA	1200 s.f.	>1200 each	---
DEVELOPMENTAL COVERAGE	20%	8.1 / 4.3	---
O/S PARKING SPACES	2 per lot	2 each	---

**PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.**

**CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE**

ZBA 07.28

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#437-2007**

06/12/2007

**Lucas, Michael**

Received \$ 50.00 for Zoning Board Fees, on 06/12/2007. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk



**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

# MICHAEL LUCAS

**#07-28**

X

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )


That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 26TH day of JUNE, 2007, I compared the 52 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

**Myra L. Mason, Secretary**

26<sup>th</sup> day of June, 2007

  
Notary Public

**JENNIFER GALLAGHER**  
Notary Public, State of New York  
No. 01GA6050024  
Qualified in Orange County  
Commission Expires 10/30/10

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

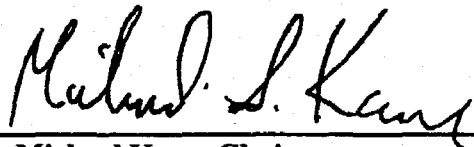
**Appeal No. (07-28)**

**Request of MICHAEL LUCAS**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 13,012 sq. ft. for Lot #1 and; 13,012 sq. ft. for Lot #2 for Minimum Lot Area for proposed subdivision at Rt. 94 & Lucas Drive in an R-4 Zone (16-2-9)**

**PUBLIC HEARING will take place on JULY 9, 2007  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York  
beginning at 7:30 P.M.**

A handwritten signature in black ink, appearing to read "Michael S. Kane", written over a horizontal line.

**Michael Kane, Chairman**

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 06-08-07

FOR: ESCROW 07-28

FROM:

**Michael Lucas**  
**146 Quassaick Avenue**  
**New Windsor, NY 12553**

CHECK FROM:  
SAME

CHECK NUMBER: 1866

TELEPHONE: 561-0489

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Henry 6-11-07  
NAME DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF ZBA MEETING OF:

June 11, 2007

PROJECT: Michael Lucas

ZBA # 07-28

P.B.# \_\_\_\_\_

USE VARIANCE:

NEED: EAF \_\_\_\_\_

PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) LO S) I

VOTE: A 4 N 0

~~GANN~~ \_\_\_\_\_  
LUNDSTROM A \_\_\_\_\_  
LOCEY A \_\_\_\_\_  
TORPEY A \_\_\_\_\_  
KANE A \_\_\_\_\_

CARRIED: Y ✓ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_  
VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

June 11, 2007 Agenda.

CHECKED BY MYRA: 06-12-07 mm

PROJECT NUMBER: ZBA# 07-28 P.B. #

**Michael Lucas**  
**146 Quassaick Avenue**  
**New Windsor, NY 12553**

TAX MAP NUMBER: SEC. 16 BLOCK 2 LOT 9  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

[illegible]

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT)

◆ ◆

TOTAL CHARGES: ..



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

5/14/07  
Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

**I. Owner Information:**

Phone Number: (845) 561-0489  
Fax Number: (845) 566-6834  
Michael D. + Arlene Lucas  
(Name)  
146 Quassaick Ave., New Windsor, NY 12553  
(Address)

**II. Applicant:**

S/A  
(Name)  
Phone Number: ( )  
Fax Number: ( )  
(Address)

**III. Forwarding Address, if any, for return of escrow:**

Phone Number: ( )  
Fax Number: ( )  
(Name)  
(Address)

**IV. Contractor/Engineer/Architect/Surveyor/:**

Phone Number (845) 361-4700  
Fax Number: (845) 361-4722  
Danial Yanosh,  
(Name)  
P.O. Box 320 Circleville, NY 10919  
(Address)

**V. Property Information:**

Zone: R4 Property Address in Question: 146 Quassaick Ave.  
Lot Size: 1.40 ac Tax Map Number: Section 16 Block 2 Lot: 9  
a. What other zones lie within 500 feet? \_\_\_\_\_  
b. Is pending sale or lease subject to ZBA approval of this Application? no  
c. When was property purchased by present owner? 1992  
d. Has property been subdivided previously? no If so, When: \_\_\_\_\_  
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? no  
f. Is there any outside storage at the property now or is any proposed? no

**\*\*\*\*PLEASE NOTE:\*\*\*\*\***

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	43,560 s.f.	30548/30548	13012/13012
Min. Lot Width	26,136 s.f.	30548/30548	-
Reqd. Front Yd.	45 ft.	56.1+96.6/46.1	-
Reqd. Side Yd.	20 ft.	27/36.9	-
Reqd. Rear Yd.	50 ft.	62.4/107.6	-
Reqd. St Front*	70 ft.	292+/432+	-
Max. Bldg. Hgt.	35 ft.	35 both	-
Min. Floor Area*	n/a		-
Dev. Coverage*	20%	8.1/4.3	-
Floor Area Ration**	n/a		-
Parking Area	2 per lot	2 each	-

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

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**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

I've been a Town of New Resident  
my entire life and would like to remain here.  
The subdivision of my property into two (2)  
0.70 acre lots will allow me to build a  
smaller house with less property to take  
Care of.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**



**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Trees, Landscaping, proposed lot will  
then conform with the rest of the neighborhood

**XIII. ATTACHMENTS REQUIRED:**

Keep  
Four  
Copies

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

15th day of May 2007.

Owner's Signature (Notarized)

Michael D. Lucas  
Owner's Name (Please Print)

Betty Julie Gilbert  
Signature and Stamp of Notary

BETTY JULIE GILBERT  
Notary Public, State of New York  
Qualified in Orange County  
Registration No. 9362128  
Commission Expires 06/30/2010  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
**TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS**

Michael Lucas

(OWNER)

deposes and says that he resides

at 146 Quassack Ave

(OWNER'S ADDRESS)

in the County of Orange

and State of New York and that he is the owner of property tax map

(Sec. 16 Block 2 Lot 9)

designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in

the foregoing application and that he authorizes:

Daniel Yonnash

(Applicant Name & Address, if different from owner)


Po Box 320 Circleville N.Y. 10919

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: \_\_\_\_\_

\*\*



Owner's Signature (MUST BE NOTARIZED)

Michael B. Lucas

Sworn to before me this:

21<sup>st</sup> day of May 2007

**JENNIFER GALLAGHER** \_\_\_\_\_  
Notary Public, State of New York  
No. 01GA6050024  
Qualified in Orange County  
Commission Expires 10/30/10

Representative's Signature

  
Signature and Stamp of Notary

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:**

**ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

**COMPLETE THIS PAGE ☐**

PROJECT I.D. NUMBER


617.21

SEQR

## Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <b>Michael D. Lucas</b>	2. PROJECT NAME <b>Proposed subdivision lands of Michael D. + Arlene J. Lucas</b>
3. PROJECT LOCATION: Municipality <b>Town of New Windsor</b> County <b>Orange County</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>146 Quassatch Ave. (Rte. 94 and Lucas Drive)</b>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>We would like to make two (2) 0.70 lots from the existing 1.40 acre lot.</b>	
7. AMOUNT OF LAND AFFECTED: Initially <b>1.40</b> acres    Ultimately <b>0.70</b> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <b>Single Family Residential (R4)</b>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <b>Michael D. Lucas</b>	Date: <b>5/14/07</b>
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the  
 Coastal Assessment Form before proceeding with this assessment

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.67 If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality; surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <b>no</b>	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <b>no</b>	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <b>no</b>	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <b>no</b>	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: <b>no</b>	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: <b>no</b>	
C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly: <b>no</b>	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
_____ Name of Lead Agency	
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from responsible officer)
_____ Date	



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



## ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

\*

### ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

\*\*

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

## **PUBLIC HEARING LIST OF PROPERTY OWNERS**

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH **YOUR** RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH **"NOTICES OF PUBLIC HEARING"** TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

### TO ALL ZONING BOARD OF APPEALS APPLICANTS:

Please note the attached letter from Orange County Department of Planning asking that referrals be made to their office for review.

Due to this request, your application will be sent to Orange County Department of Planning for review. We are hoping to do this in a way that does not add to the time it normally takes to seek a variance.

Thank you for your cooperation in this matter.

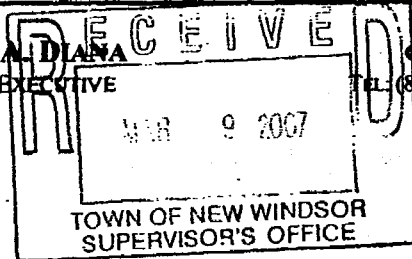
ZONING BOARD OF APPEALS

Please Read



**COUNTY OF ORANGE****DEPARTMENT OF PLANNING**

EDWARD A. DIANA  
COUNTY EXECUTIVE



124 MAIN STREET

GOSHEN, NEW YORK 10924-2124  
TEL: (845)291-2318 FAX: (845)291-2533

**DAVID CHURCH, A.I.C.P.**  
COMMISSIONER

5 March, 2007

**POLICY REMINDER****REFERRAL OF CERTAIN MUNICIPAL PERMITS AND ACTIONS**

to COUNTY PLANNING as per NYS GENERAL MUNICIPAL LAW §239 L, M & N

**NEW POLICY GUIDEBOOK ATTACHED**

As an essential part of Orange County's renewed interest and involvement in planning and development policy, the Planning Department continues to gain staff capability and expertise. The Orange County Planning Department reviews all projects that meet the requirements of Section 239 of the NYS General Municipal Law (GML §239) for County referrals. Please be sure that your municipality is sending the required applications that come under the provisions of GML § 239. Keep in mind that if there is a project that falls under the non-mandatory review requirement, we will be glad to review it upon request of a municipal official.

**A new guidebook is attached detailing the NYS GML §239 referral process here in Orange County. Additional copies of this guidebook can be downloaded at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).**

As a refresher, prior to making a decision on certain permits or actions, GML § 239 requires that you send to County Planning a copy of the complete application for the following "proposed actions" that are within 500 feet of the properties or thresholds listed in the statute (GML § 239-m (3)):

1. The adoption of a municipal comprehensive plan, zoning ordinance or law, or an amendment to either one;
2. The granting of a use or area variance;
3. The issuance of special use permits;
4. Site plans for residential uses;
5. Site plans for non-residential uses;
6. Subdivisions plats;
7. Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

Proposed "actions" must be referred to County Planning prior to your decision if they apply to real property within five hundred (500) feet of the following:

1. The boundary of any city, village or town;
2. The boundary of any existing or proposed county or state park or any other recreation area;

